

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE SETH PORTNER, et al.,
Plaintiffs,

v.

SPECIALIZED LOAN SERVICES, LLC, et
al.,
Defendants.

Case No. 15-cv-01736-VC

**ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION,
DENYING MOTION TO DISMISS, AND
STAYING CASE**

Re: Dkt. Nos. 14, 25, 29, 40

The Portners' motion for a preliminary injunction to prevent the trustee sale of their home is granted for the reasons identified in Judge Howard's order granting a temporary restraining order. Dkt. 14-1. The defendants have not provided any arguments or evidence for why Judge Howard's analysis does not similarly mandate the issuance of a preliminary injunction. The preliminary injunction will remain in place for the duration of this litigation, unless the Court rules otherwise. SLS is also preliminarily enjoined from advertising or announcing a trustee sale of the Portners' home.

The defendants' motion to dismiss is denied in its entirety. Some of the defendants' arguments are clearly without merit, as explained by Judge Howard. Furthermore, the defendants' brief is so riddled with misrepresentations of the law that it does not give the Court the ability to assess the merits of the motion to dismiss any of the claims. *Cf. United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991).

The defendants should file an answer to the complaint within 14 days of this order.

Further, this matter is referred to the Alternative Dispute Resolution (ADR) Unit for mediation. The parties should contact the ADR unit to schedule a mediation to take place within 90 days of this order. A case management conference is scheduled for December 8, 2015 at 10:00 a.m. The parties must file a joint case management statement 7 days before the case management

conference.

Until the case management conference, all proceedings (other than the ADR proceedings and the filing of the answer) are stayed.

IT IS SO ORDERED.

Dated: June 19, 2015



VINCE CHHABRIA
United States District Judge